

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

July 15, 2002

5:30 PM

Chairman Gatsas called the meeting to order.

The Clerk called the roll.

Present: Aldermen Gatsas, Guinta, Osborne, Forest, O'Neil

Messrs.: E. Sawyer, Deputy Solicitor Arnold, G. Sullivan, J. Cote

Chairman Gatsas addressed Item 3 of the agenda:

3. Amendment to Chapter 111: Amusements submitted by Matt Normand, Deputy City Clerk.

Alderman O'Neil moved to approve the ordinance amendment. Alderman Guinta duly seconded the motion.

Chairman Gatsas asked the next place this needs to go is Bills on Second Reading right.

Deputy Clerk Normand answered correct.

Chairman Gatsas asked and that is tomorrow night so we can submit that. I want to thank Eric Sawyer for all the work he put into it. I know this is a shortened version of the first one you brought us but I think this is something we can live with at least from a noise standpoint for amusement.

Mr. Sawyer stated first I want to thank you for your acknowledgement of the work that I put into this but I would mention that this is a minimalist approach and I understand the budget constraints and the need to take this approach at this time but I would encourage the Board to think towards the future and think about adopting a noise ordinance that would treat noise as a public health issue as most of the world has done. You can modify the earlier work that was done with some ideas from the Australian Concert Control Act. Most of the world, you will find, treats noise as a very serious public health issue.

Chairman Gatsas replied well I am sure when we are ready to move forward, Eric, we will have you in the lead chair to take us there.

Mr. Sawyer stated I also want to say that I didn't come to that conclusion lightly. I have never been one to look at saving one-eyed fish or three legged frogs as a high priority. I always kind of thought that was the lunatic fringe and for me to come to this conclusion was quite an endeavor but I appreciate the thanks of the Board and I think this will serve you well for the time being.

Alderman Guinta asked, Matt, under permit fees that is a new portion of the law right.

Deputy Clerk Normand answered correct.

Alderman Guinta asked can you explain that to me. I am not sure I understand...

Deputy Clerk Normand interjected why it is \$200.

Alderman Guinta replied yes or why there is a fee in general.

Deputy Clerk Normand stated because somebody like from our office has to stand there and monitor the event, an event like this past Saturday where we were down there for eight hours we would kind of lose money on something like that but for a general four hour event it would also allow us to...you know if there was a shorter event we could put the money towards the sound monitoring device that we need to buy.

Alderman Guinta asked what did we cap Saturday's decibel level at.

Deputy Clerk Normand answered 100 decibels A-weighted.

Chairman Gatsas called for a vote. There being none opposed, the motion carried.

Deputy Clerk Normand asked do you want this brought in under new business tomorrow at Bills on Second Reading.

Chairman Gatsas answered yes please.

Chairman Gatsas addressed Item 4 of the agenda:

Final Report of the Mayor's MCTV Task Force.

Alderman Guinta moved the item for discussion. Alderman O'Neil duly seconded the motion. Chairman Gatsas called for a vote. There being none opposed, the motion carried.

Alderman Forest asked on this report are we just accepting the report or are we sending it somewhere to be worked on.

Chairman Gatsas stated I believe the next place it has to go is Bills on Second Reading right Matt.

Deputy Clerk Normand replied this would basically be sent to the Board unless there are some ordinance changes. Maybe Tom Arnold can answer that right now.

Deputy Solicitor Arnold stated as I recall I don't believe there are any ordinance changes. Of course, there are a number of policy decisions in this particular report that you might want to look at.

Deputy Clerk Normand stated in which case it would be dealt with at the Board level.

Alderman Forest stated I would like to ask Grace Sullivan a question.

Chairman Gatsas called Ms. Sullivan forward.

Ms. Sullivan introduced Jason Cote and stated that he will be taking Marc Vandebonecour's place as the Operations Manager at MCTV. Marc worked at MCTV for 10 years and has left to start his own business and as of last week through a selection process and interview committee Jason has been selected as the new Operations Manager and knows a lot about the technical things so that is why I have asked him to come up with me.

Alderman Forest stated the question I have and I want to apologize because I know there is another report that I received this week and I forgot it at home and I was assuming we would have one with our packet tonight.

Ms. Sullivan replied we have some copies here of the ones that we sent out last week.

Deputy Clerk Normand passed the copies out to the Committee members.

Alderman Forest stated the second question I have is for Tom Arnold. Do we have a choice at this level as to either one of these or can we combine these two to make one?

Deputy Solicitor Arnold replied the Board is the franchising entity. The Board has the discretion authority to do whatever it wishes with this particular organization within broad guidelines.

Chairman Gatsas stated so I guess the answer to your question is yes.

Alderman Forest asked can we just vote on both of these to send up to the full Board and then let someone at the Board work on this or is it going to come back down to us.

Chairman Gatsas answered I am sure that it will come right back here and this Committee will have to make some sort of decision. Whether we set a special date aside to have the Task Force come in along with Dr. Sullivan and see if we can implement various parts of both or if you would like to send it to the Board and let the Board decide that would be up to this Committee.

Alderman O'Neil replied we know where they are going to send it, Alderman.

Alderman Guinta asked are these proposals in conflict with each other or are they addressing different issues.

Ms. Sullivan answered what I have said and the School Board has asked me to look at the report and talk about it and I did report back to them last Monday at a School Board meeting after Dr. Gustafson gave the report. What I am saying is parts of the report and I think the committee did a very good job but this is just taking it one step farther. The committee did not really have the time to look at the other cities and towns around so we went and looked at Worcester, Lowell and Portland to see what structure they have. This would be to take public access and make it into a separate, non-profit, but education would stay under the management of the School District and government would have a committee with municipal people doing government people. We are saying that public access should be a non-profit but education and government...we feel that if it is lumped into public access as a non-profit, will take a back seat to public access and we really need three separate entities such as Worcester has, and Portland has and Boston. The rules and regulations...there are some things that need to be looked at in terms of the details. Most of the rules and regulations that the Mayor's Task Force put together were pretty good but there are some things that could cause some problems and the evaluation and the Public Access Producers Association we thought were really good ideas. Again, this is just taking it one step further. The other thing is there were some concerns that we had in terms of the...it really didn't address the concerns of the MCTV staff concerning employment issues. They were like well we will make it a non-profit and we will work that out later. Sometimes I think it is good to work things out before.

Alderman Guinta asked so if we were to separate, we would be separating public access from the other two but they would be autonomous only from the standpoint of funding and how they are funded because MCTV would still be its own entity that is responsible for all three.

Ms. Sullivan answered no. There would be an MCTV Public Access Corporation that we would transition to this year. You have to set-up a non-profit Board of Directors and that is going to take time. They looked at one proposal that Jean Eggert did for a non-profit board but Sherry Zankowski put together another non-profit board proposal that I think really should be looked at too. She did it pro-bono for us last year. There are a lot of devils in the details in setting up a non-profit so if you voted tomorrow night to make it a non-profit it is going to take time. Basically what this is saying is there should be a public access non-profit entity and that the board should start establishing the rules and regulations and the incorporation, which we have done a lot of work already on and they should also look at evaluating public access this year and presenting public access evaluation – what it's value is and how much it needs to operate and move that to a separate facility outside of the School District in the future. If you make it a non-profit under the money we have now – public education and government right now the insurance costs are covered by the School District, facility costs are covered by the School District, legal fees are covered by the School District...you need insurance just for a board in terms of defamation of character lawsuits, copyright issues, liability insurance for equipment and a van and if you make it a non-profit and take the employees out of the School District you know insurance is going to be costing a lot more. There are increased costs and we have to look at the costs. There are a lot of details that haven't been worked out in this plan.

Alderman O'Neil stated Dr. Sullivan, you said you presented this to the School Board.

Ms. Sullivan answered yes we did.

Alderman O'Neil asked a Committee or the full School Board.

Ms. Sullivan answered to the full School Board.

Alderman O'Neil stated I guess that is where my thoughts go is currently there are no chargebacks or anything. The employees are School District employees correct?

Ms. Sullivan replied yes currently.

Alderman O'Neil asked what happens to them. If now all of the sudden it becomes a non-profit is the School District going to start charging for use of the facility? Did that...where are you with the School District or the School Board with regards to changing from what it presently is?

Ms. Sullivan answered I get a sense that the School District, the School Board wants to maintain educational access. During the cable transfer, Alderman Gatsas and Tom Arnold did a lot of work to make sure that we were going to get that third channel for educational access and to have JFK and Gill Stadium tied up so we can go live in the fall and we are working on doing a satellite dish so we can increase educational programming with our third channel.

Alderman O'Neil asked but has the District said we will assume all financial responsibility for the education access. Have they said we will assume responsibility for the government access? Have those questions been answered yet?

Ms. Sullivan answered they have asked about how we are funded and I gave the funding from 1990 through 2000 and that it was in the franchise fee. The question was brought up by Tom Donovan, the Finance Chair, and I explained that every year we come to the Aldermen and we present our budget and then the Aldermen give us a budget. They asked about the franchise fee because they thought there was a dictated franchise fee and I said no that 5% goes into the general fund. I said that what is good about the process is the Mayor's Task Force said there should be an evaluation and I think the evaluation should take place on the value of public access and there should be a value on that and how much money it costs to do public access, how much it costs to do education and how much it costs to do government. Education and government would share facilities and public access would be looking to move to an outside facility in the future.

Alderman O'Neil asked is it very preliminary with the School Board at this point. Did they take a vote to do something?

Ms. Sullivan answered they haven't taken a vote. They are waiting to see what you folks are going to do.

Alderman O'Neil stated I think we probably need to have another meeting and I think we need to have the Superintendent here or some members of the School Board because their vote on this could greatly affect the right...where to move with this thing. We could set-up this non-profit and if they decide to charge for rent for the staff and all that it is going to become cost prohibitive to have community television. I think we need to make the School District partners in this so we don't get into this. I have about had it with the chargeback issue.

Chairman Gatsas stated I think when Dr. Sullivan presented her budget two years ago it included rent but we suspended it out of the budget because they were staying in the facility they were in. Now listening to the comments that she is making, if you are looking to set-up three distinct divisions here, it sounds like you are going to have an awful lot more people.

Ms. Sullivan replied no. In education and government we are going to stay and share the facility and share staff. I think we really can do it with the same amount of people. It is just looking for that additional cost on the non-profit.

Chairman Gatsas responded but you are saying that the public access then is going to grow and you are going to need different space.

Mr. Cote stated when we first discussed the whole matter my number one concern was the cost. The last thing I want to do is spend more money than we do know on staffing at the present time. There is no need to double up on projects such as...I was the educational access coordinator and I would help the government access coordinator when he needed me and he would help me. I totally believe in keeping that. The way it works is you need to help each other out to keep it cost effective for the number of employees we have.

Chairman Gatsas stated if we are going to take and leave education and community access in one place and government access in that same vicinity and we tell public access that they have to move to a new venue, where do the cameras, the equipment and all of that come from. From the \$1 million that you folks have for set aside?

Ms. Sullivan replied so far out of that \$900,000 we have more than \$700,000 left so that is where a needs assessment and equipment assessment comes in. Again, just some of the equipment that we are putting in at the School Administration to do a four-camera set-up there, half of that equipment was donated by Verizon. We are always going to be going out and looking.

Chairman Gatsas responded I understand that but my question...yes or no.

Mr. Cote replied yes. It wouldn't be a cost to the City.

Chairman Gatsas asked can you do this with 10 employees or less, your answer is yes.

Ms. Sullivan answered yes.

Chairman Gatsas replied you can do it with 10 or less and you don't even know what question I am going to ask you.

Ms. Sullivan responded you are asking if we are looking for more staff right now and we are not.

Chairman Gatsas stated let me ask the question and then you can give me an answer. The question I have is we will have to find new equipment and new props and everything else that you have just done at the facility you are at and we are going to have to pay rent.

Ms. Sullivan replied if you make it a non-profit, the School District could turn around and say go, you are a non-profit, we need this space for school. That is something that has been discussed in conversation so if it truly is a non-profit...

Chairman Gatsas interjected I guess my biggest question is I would assume that the School Department does not think for one second that there is a percentage of the fee that is going and it is not...they understand that the Board took a position two years ago that it is strictly by the budget and that is for all three...if you break this into 15 parts it would be based on the same three.

Ms. Sullivan responded right. I made that very clear in Monday night's meeting. I explained that that is what we do.

Chairman Gatsas asked have you had any conversation with the Task Force about your proposal.

Mr. Cote answered the Task Force had their proposal done and handed into the Mayor's Office before we could even discuss it with them.

Chairman Gatsas responded let me ask you the question again. Has the Task Force...have you presented your proposal to the Task Force?

Ms. Sullivan answered I met with Dr. Gustafson and he asked for the rules and regulations of the public access centers throughout the United States and I went up and met with him at Southern NH University and we talked about that. They didn't visit MCTV. They did not talk to the staff. I spoke with one of the people on the Task Force about it and they said you know we want this to appear very neutral and we really don't want that much input from you.

Chairman Gatsas asked when did you complete this. I assume July 11?

Ms. Sullivan answered we put this together after the presentation was made.

Chairman Gatsas stated so the answer is you have not given this to the Task Force.

Ms. Sullivan replied well Dr. Gustafson heard this because he did the presentation Monday night to the School Board...

Chairman Gatsas interjected wait...

Ms. Sullivan interjected no they have not gotten it.

Chairman Gatsas asked so there has been no sitting down between MCTV and the Task Force with any sort of communication.

Ms. Sullivan answered we would love to be able to talk to them.

Alderman O'Neil moved to table this item and ask that MCTV staff sit down with the Task Force and review the proposal that they submitted. I also think...

Chairman Gatsas interjected I don't have a problem with you amending your motion but can we send somebody from the City to sit in. Maybe Tom Arnold or Matt Normand?

Alderman O'Neil replied send them both, Mr. Chairman. The motion is for Matt Normand and Tom Arnold to sit down with MCTV and the Task Force to review this. I also think the next time we need to discuss this, we need to have School Administration and some School Board members here because if they are not going to be partners in this thing, we are going through all of this for nothing because there isn't going to be enough money to do this. If they are partners, I think we can make this work. That is my motion, Mr. Chairman.

Alderman Guinta duly seconded the motion for discussion.

Alderman Forest stated I know that Alderman O'Neil mentioned that somebody from the School Department be here. Could we also include them in that general meeting? Can we have them involved?

Alderman O'Neil replied I just think for the next time we meet we need to have some direction from the School District and I think they need to...

Chairman Gatsas interjected I agree with Alderman O'Neil because if somebody says the rent is going to be \$12,000 a month at the School District then we need to know that because I think that part of that \$1 million when we first talked was

about moving to a new set-up. I think that with that motion...Matt do you have that motion?

Deputy Clerk Normand stated what I have for a motion is that MCTV and the Task Force with Tom Arnold and myself will sit down and discuss their plans and then report back to this Committee.

Chairman Gatsas replied right and I don't know if there is a separate committee on the School Board and if any of those members might want to participate.

Alderman O'Neil asked was it sent to a Committee.

Ms. Sullivan answered it wasn't sent to a committee. They were waiting to see what direction you were going to take. I know there are School Board members who are very interested in this and concerned about it.

Alderman O'Neil stated why don't we leave that as one motion and I will make a separate motion.

Chairman Gatsas replied why don't we let the Task Force and MCTV sit down and go through this and see if they can come back with a structured proposal that we can live with and then we can sit down with the School Board members.

Alderman O'Neil moved that the next time we meet on this that there be representation from School Administration and the School Board.

Chairman Gatsas stated I have no problem with you making that motion but I think we should first get something back from the Task Force for us to look at.

Alderman O'Neil asked so is it your intent then that this might take a number of meetings to kind of work through.

Chairman Gatsas answered I think when we come back in August I would assume that MCTV and the Task Force and Matt Normand and Tom Arnold would have met and come up with something to present to us that we can say that is the way this Committee is looking to go in and then we can sit down with the School Board.

Ms. Sullivan stated I will tell you that on Monday night the School Board in talking about the Task Force report talked about how disappointed they were that the MCTV Task Force had not spoken with the School Board.

Chairman Gatsas called for a vote on the motion to have MCTV sit down with the Task Force, Tom Arnold and Matt Normand, to review the proposal and make a recommendation to the Committee.

There being no further business, on motion of Alderman O'Neil duly seconded by Alderman Forest, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee